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IMO

IMPLEMENTATION OF THE ISM CODE

Guidance to Companies operating multi-flagged fleets and Supplementary Guidelines to Administrations

The Maritime Safety Committee, at its sixty-sixth session (28 May to 6 June 1996), and the Marine Environment Protection Committee, at its thirty-eighth session (1 to 10 July 1996), considered the problems faced by companies operating multi-flagged fleets when implementing the ISM Code and agreed there was a need for guidance to Administrations and companies in view of the fact that such companies must, under the terms of the SOLAS Convention, have a document of compliance issued by the Administration, an organization recognized by the Administration or at the request of the Administration by another Contracting Government.

Accordingly, the Committees prepared the annexed guidance and invited Member Governments to bring it to the attention of their maritime Administrations and relevant industry organizations.

ANNEX

GUIDANCE TO COMPANIES OPERATING MULTI-FLAGGED FLEETS AND SUPPLEMENTARY GUIDELINES TO ADMINISTRATIONS

Purpose

1 To give guidance to companies operating multi-flagged fleets and to give supplementary guidelines to Administrations. To ensure that all Administrations concerned can be satisfied and have faith that the DOC has been issued fully in accordance with resolution A.788(19).

2 The Assembly, at its nineteenth session, adopted resolution A.788(19) - "Guidelines for Administrations on the implementation of the ISM Code". These guidelines are generally accepted as being a good basis on which Administrations can build as experience is gained in implementing the Code. The same resolution requests Administrations to review the Guidelines in the light of such experience.

3 Experience to date has highlighted that the Guidelines referred to in paragraph 2 provide no guidance as to how companies operating multi-flagged fleets are to be treated. The absence of such guidance is leading to confusion amongst all sectors of the industry which under certain circumstances may lead to unnecessary duplication of work if not properly addressed, will diminish the impact of the ISM Code on the shipping industry.

4 The Maritime Safety Committee and the Marine Environment Protection Committee, considering the matter at their sixty-sixth and thirty-eighth sessions respectively, agreed on the following supplementary guidance to be followed by companies and Administrations, as appropriate.

Guidance for companies operating multi-flagged fleets

5 To facilitate the auditing and certification process companies should approach the relevant flag Administrations, proposing a plan of action and requesting agreement by all parties. This plan should clearly state which entity (see paragraph 8) is to conduct which part of the process.

6 This approach by companies should be taken at least 12 months prior to the mandatory application date for the particular ship type or types involved.

Supplementary Guidelines to Administrations on auditing and certification of companies operating multi-flagged fleets

7 Administrations approached by a company operating a multi-flagged fleet should enter into a positive dialogue with other involved Administrations in order to facilitate the auditing and certification process and to avoid unnecessary duplication of work. Relevant agreements may be reached with other involved Administrations for this purpose.

8 In this respect Administrations should bear in mind that the provision of SOLAS regulation IX/4.1 allows for the following entities to issue DOCs:

- the Administration itself,
- a recognized organization authorized by the Administration; or
- at the request of the Administration, by another Contracting

9 The need for establishing a clear link between the shore-based part of the Safety Management System of the company and the shipboard parts should be clearly recognized.